



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology

A.D.# 05-17

☒ Preproposal Statement of Inquiry was filed as WSR 05-24-122 ; or☐ Expedited Rule Making--Proposed notice was filed as WSR _____ ; or☐ Proposal is exempt under RCW 34.05.310(4).☒ Original Notice☐ Supplemental Notice to WSR _____☐ Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Chapter 173-224 WAC – Wastewater Discharge Permit Fees.

This rule sets annual permit fees for holders of wastewater and stormwater discharge permits.

Hearing location(s): See attachment

Submit written comments to:

Name: Bev Poston

Address: PO Box 47600

Olympia, WA 98504-7600

e-mail bpos461@ecy.wa.gov

fax (360)407-6425 by (date) March 22, 2006

Date: _____ Time: _____

Assistance for persons with disabilities: Contact

Bev Poston by February 22, 2006

TTY (800) 833-6388 or (360) 407-6425

Date of intended adoption: May 30, 2006

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: To increase annual permit fees for holders of wastewater and stormwater discharge permits. Ecology is proposing to increase fees by 3.38% for Fiscal Year 2007 and 5.49% for Fiscal Year 2008. These percentages are the fiscal growth factor determinations made by the Washington State Expenditure Limit Committee. Ecology might be issuing a new permit for invasive moth control during these two fiscal years, a new fee category was created with a proposed fee matching other pest control permits.

Reasons supporting proposal: This rule resulted from the passage of Initiative 97 passed by Washington Voters in 1987 requiring the Waste Discharge Permit Program to be funded from annual fees paid by holders of wastewater and/or stormwater discharge permits. This proposed rule amendment will continue funding of the Waste Discharge Permit Program.

Statutory authority for adoption: 98.48 RCW – Water Pollution Control

Statute being implemented: 90.48 RCW – Water Pollution Control

Is rule necessary because of a:

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

DATE

1/12/06

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director

CODE REVISER USE ONLYCODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JAN 13 2006

TIME

WSR

0603-093

AM
PM

(COMPLETE REVERSE SIDE)

agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

name of proponent: (person or organization) Washington Department of Ecology

☐ Private
☐ Public
☒ Governmental

name of agency personnel responsible for:

	Name	Office Location	Phone
staffing	Bev Poston	PO Box 47600, Olympia WA 98504-7600	(360) 407-6425
implementation	Bev Poston	PO Box 47600, Olympia WA 98504-7600	(360) 407-6425
enforcement	Bev Poston	PO Box 47600, Olympia WA 98504-7600	(360) 407-6425

as a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No. Explain why no statement was prepared.

Chapter 173-224 WAC – Wastewater Discharge Permit Fees already provides relief from fees for small business with no more than one million dollars in gross revenue from the activity covered by the permit. To the extent there may be a disproportionate impact on small business, this provides mitigation, as would be required by the Regulatory Fairness Act (RCW 19.85.030) were a Small Business Economic Impact Statement Found to be necessary.

a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: Under certain conditions, rules changing fee schedules are exempt from Significant Legislative Rule Cost Benefit Analysis (RCW 34.05.328) requirements. The exemptions apply to rules which set or adjust fees or rates pursuant to legislative standards. Legislative standards for these fees appear in RCW 90.48.465 (authorizing the fee) and in the biennial budget, which establishes the total revenue which can be collected. Ecology is proposing to increase fees for wastewater and stormwater permit holders to match the fiscal growth limits for both State Fiscal Years 2007 and 2008 as determined by the Washington State Expenditure Limit Committee.

Hearing location(s):

All hearings will begin at 2:00 p.m. and be held on the following dates and locations:

March 6, 2006

Ecology Headquarters Building
Auditorium
300 Desmond Drive
Lacey, Washington 98504

March 7, 2006

Ecology Central Regional Office
Waterfall Room
15 West Yakima Avenue
Yakima, Washington 98902

March 8, 2006

Ecology Eastern Regional Office
2nd Floor Meeting Room
4601 N Monroe Street
Spokane, Washington 99205